

Talking Points
Administrator's call with Senator Tester

Remedy for Butte Mine Flooding Operable Unit (Berkeley Pit)

- Under a 2002 consent decree, Montana Resources, Inc., and the Atlantic Richfield Company constructed the Horseshoe Bend Water Treatment Plant.
- The water treatment plant has treated water from Horseshoe Bend since 2003, and all of the treated water is used in Montana Resources' permitted mining operation (zero discharge).
- Montana Resources and Atlantic Richfield are currently engaged in an evaluation of the treatment plant to identify upgrades needed before beginning in 2023 to add Berkeley Pit water to Horseshoe Bend water to maintain the level below the critical water level.
- EPA is working with the responsible parties and the local government to respond to community concerns about the protectiveness of the critical water level, sloughing of side slopes into the pit, and the ability of the water treatment plant to meet discharge standards.
- EPA is working with the responsible parties to ensure that the water treatment plant will be ready to meet all applicable water quality standards if Montana Resources no longer utilizes the treated water in its operations and the treated water is instead discharged to Silver Bow Creek.

Parrot Tailings, North Side Tailings, and Diggings East, Butte Priority Soils Operable Unit

- The 2006 Record of Decision for the Butte Priority Soils Operable Unit left in place several dispersed buried tailings sources, including the Parrot Tailings, Northside Tailings, and Diggings East.
- Data from ground water monitoring wells and from Silver Bow Creek show that the alluvial ground water collection and treatment system is functioning effectively to protect surface water.
- EPA supports the State of Montana's plan to remove the Parrot Tailings, Northside Tailings, and Diggings East under its Natural Resource Damage authorities using settlement funds from the Atlantic Richfield Company.
- EPA is working with the State of Montana to negotiate a consent decree with the Atlantic Richfield Company, Butte-Silver Bow County, and the other potentially responsible parties that coordinates remedy and restoration objectives, fulfills remedy requirements, and meets the needs of all of the settling parties and interests of the local community.

Background
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SILVER BOW CREEK/BUTTE AREA SUPERFUND SITE BACKGROUND

- Butte, Montana is the site of extensive historic and current mining operations, and is part of the Silver Bow Creek/Butte Area NPL Superfund Site.
- Butte mining contamination is being addressed under two operable units – The Mine Flooding/Berkeley Pit operable unit (which addresses bedrock ground water and underground mine shaft water contamination) and the Butte Priority Soils operable unit (which addresses the upper alluvial aquifer, surface water contamination, and soils contaminations). Both have Records of Decision in place which are being implemented.

Mine Flooding/Berkeley Pit Operable Unit Information

- For the Mine Flooding/Berkeley Pit operable unit, the 1994 Record of Decision requires the potentially responsible parties to construct and operate a water treatment plant, and to pump water from the bedrock aquifer and Berkeley Pit when the water level rises to a critical water level (a level which will prevent escape of the bedrock aquifer into the alluvial aquifer or nearby surface water). Extensive monitoring of water level and water quality is carried out by a local organization known as the Montana Bureau of Mines and Geology, and quarterly reporting of water data is published by the local water quality bureau and the Butte – Silver Bow Creek County government. EPA and the State of Montana Department of Environmental Quality oversee this effort.
- The treatment plant was constructed to begin treatment of inflow to Berkeley Pit and is functioning as intended by the Record of Decision. Treated water from the plant is used in the nearby ongoing mining operation run by Montana Resources Inc., a major employer in Butte. A consent decree with the potentially responsible parties clearly and specifically outlines the responsible parties' obligations to upgrade the treatment plant prior to when the contaminated ground water reaches the critical water level, and the evaluation and studies to do so are underway. Treated water from the plant can be either used by the ongoing mining operation or discharged into Silver Bow Creek, and standards for treatment are clearly established in the consent decree. Currently, the critical water level is expected to be reached in 2023.
- Citizen groups have expressed concerns that the critical water level does not provide an adequate buffer between the contaminated bedrock aquifer and the alluvial aquifer in Butte, and that the treatment plant will not adequately treat the contaminated water. EPA is working with the responsible parties and the local government to provide information addressing these issues and concerns. EPA's technical team are certain of the adequacy of the critical water level and the ability to upgrade the treatment plant to handle the Berkeley Pit water when that time comes. (see <http://www.pitwatch.org/> for more information.)

Butte Priority Soils Operable Unit Information

- The Butte Priority Soils operable unit record of decision was issued in 2006 and amended in 2011. It encompasses a wide variety of remedial actions including capping or removal of waste sources, cleanup of residential homes and attics above action levels, the reclamation of an abandoned open pit mine, the installation of a alluvial ground water interception and treatment system to protect Silver Bow and Blacktail Creeks, the implementation of institutional controls to prevent domestic use of the alluvial aquifer, and the control of contaminated stormwater runoff.
- Implementation of the amended ROD has resulted in significantly lower child blood lead levels and significantly improved water quality.
- The 2006 Record of Decision left in place three buried tailing sources (the Parrot Tailings, the Diggings East and the Northside Tailings), along with many other secondary sources, based on a thorough analysis of the alluvial aquifer and the expected results of removal. EPA concluded that the removal of the buried tailings would not result in ground water cleanup unless a large-scale, city wide removal was undertaken to address all sources of contamination. These conclusions were reviewed by EPA experts and senior managers before being made. EPA has focused its efforts on the construction of the interception and treatment system to protect Silver Bow and Blacktail Creeks, and that system is currently functioning well, as shown by water quality data. Stormwater run-off contamination has been significantly improved but remains above standards.
- EPA, the State of Montana and the potentially responsible parties are in court ordered settlement discussions regarding the remaining elements of remedy implementation and the implementation of the State's natural resource damage restoration plan, which provides for the removal of the three buried tailings areas. EPA Region 8 is working closely with the State to both assist as possible with the financing of the State's restoration plan (EPA recently agreed to the release of \$16.5 million in excess remediation funds at a nearby operable unit for use by the State NRD program for the removal of the Parrot Tailings), and the possible incorporation of the removal of the other buried tailings areas into stormwater control efforts in a coordinated fashion with the NRD program.
- Citizen groups have asked EPA to re-open the Record of Decision to include removal of the three buried tailings areas as part of the ground water remedy portion of the ROD, but EPA's technical and legal teams do not see a basis for doing so, given the prior findings. As noted, we are working with the State to find other ways to address the public's concerns in coordination with the State and its natural resource damage restoration program. We are also working with all parties and local government to provide technical information while the consent decree discussions are ongoing, within the limits of a confidentiality order issued by the federal district court overseeing the court-ordered negotiations.